

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MALEEHA AHMAD, et al.,)
Plaintiffs,)
v.) Case No. 4:17-CV-2455-RLW
CITY OF ST. LOUIS,)
Defendant.)

DECLARATION OF SCOTT BOYHER

I, Scott Boyher, declare as follows:

1. I am over the age of 18. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts.
2. I am a Lieutenant with the St. Louis Police Division (“PD”).
3. I am also assigned to the PD’s Bike Response Team (“BRT”), where I serve as the Commander.
4. On the afternoon of September 15, 2017, I was working with the BRT on protest related duties in the Downtown St. Louis area.
5. During the protest, I saw numerous objects and debris being thrown by the protesters at PD officers, including bottles filled with various liquids, rocks, and concrete which was removed from manhole covers and curbs by the protesters.
6. During the protest, I observed several protesters engaged in illegal activity, including the protesters blocking access to a bus that was attempting to leave the area carrying PD officers. Protesters were surrounding and throwing objects at the bus.
7. I heard dispersal orders given several times over a loudspeaker to the protesters.



8. The protesters refused to allow access to the bus. Also, there were approximately 40 PD officers on the bus who were surrounded by the protesters. An exigent safety situation existed.
9. Shortly thereafter, the protesters started grabbing the BRT bikes and breaking through the BRT line that was attempting to protect the officers on the bus.
10. Since the protesters refused to follow the PD orders, several protesters were subsequently maced.
11. During the protest in the afternoon of September 15, 2017 in Downtown St. Louis area, I observed several PD officers who were hit with debris and objects thrown by the protesters. I was personally hit with three (3) bottles filled with unknown liquid in the span of approximately fifteen (15 seconds). I also sustained injuries to my shin that afternoon from debris thrown by protestors.
12. I was also present in the Downtown St. Louis area at approximately 5:00 p.m., when several protesters were causing damage to a PD vehicle.
13. Due to the continued violent crowd and to prevent further injury to PD officers and protesters, the PD made announcements over a loud speaker to the protesters that they were engaging in an unlawful assembly and a dispersal order was issued. As part of the dispersal order, the announcement by the PD stated that anyone who remained in the area was subject to arrest and subject to the potential deployment of chemical munitions.
14. The protesters did not disperse. As a result, a CDT line was formed facing north, allowing obvious routes of egress and free movement to the north on Tucker, east on Clark, or west on Clark. After the line was formed, several protesters were maced while

interfering with the CDT line by grabbing the officers or the bikes, engaging in assaultive behavior, or refusing to obey lawful commands given by the officers.

15. On Sunday evening, September 17, 2017, I was in Downtown in the City of St. Louis at multiple locations monitoring multiple gatherings of protesters.
16. Between 8:00 p.m. and 9:00 p.m., I observed a multitude of protesters engage in criminal conduct and violence including breaking storefront windows, destroying flower pots, and throwing furniture into the street on the 900, 1000, and 1100 blocks of Olive Street. The protesters gathered at Tucker and Olive Street. BRT responded to assist CDT with the protesters.
17. The protesters were ordered to disperse at approximately 8:48 p.m. or be subject to arrest and/or chemical munitions.
18. A second order to disperse announcing that the use of chemical munitions is imminent was given at approximately 8:51 p.m.
19. Chemical munitions in the form of pepper spray were deployed and multiple arrests ensued.
20. At approximately 10:40 p.m., a group of about 50 to 100 protesters gathered at the intersections of Tucker and Locust and Tucker and Washington standing on all corners and in the street in a manner that physically obstructed the reasonable movement of vehicular and pedestrian traffic in violation of Section 17.16275 of the St. Louis City Code.
21. The BRT became outnumbered by protesters on Locust east of Tucker, and many of the protesters were recognized as the same individuals who were part of the unlawful assembly that had occurred earlier on Olive.

22. BRT officers ordered them to move back but the protesters did not comply.

23. Eventually, however, BRT officers were able to move the protesters to Locust and Tucker.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of October, 2017.

By:

Lt. Scott Bayha